

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID A. YINGLING,	:	CIVIL ACTION NO. 3:19-CV-635
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DEPARTMENT OF CORRECTIONS,	:	
<i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 28th day of September, 2020, upon consideration of the amended complaint, the motions to dismiss of the moving defendants, and plaintiff's failure to respond thereto, it is hereby ORDERED that:

1. The motions to dismiss (Docs. 27, 33) are GRANTED.
2. Defendants the Pennsylvania Department of Corrections and SCI Camp Hill are DISMISSED with prejudice as immune from suit.
3. Defendant the Superintendent of SCI Camp Hill is DISMISSED without prejudice.
4. Defendants John Doe Nos. 5, 6, and 7 are *sua sponte* DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).
5. Plaintiff's Americans Disabilities Act and Rehabilitation Act claims in the amended complaint (Doc. 43) are DISMISSED without prejudice.
6. Plaintiff is granted leave to file a second amended complaint within 21 days from the date of this order. Any amended pleading filed pursuant to this paragraph shall be filed to the same docket number as the instant action, shall be entitled "Second Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure, without reference to the currently operative amended complaint (Doc. 43).

7. In the absence of a timely filed second amended complaint, the above-captioned action shall proceed on the claims against the remaining John and Jane Does.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania